

**REMARKS**

Claims 1-9 have been amended for clarification purposes. Claims 1-9 are pending and under consideration. Reconsideration is respectfully requested.

**I. REJECTION OF CLAIMS 1-9 UNDER 35 U.S.C. § 101:**

Claims 1-8 have been amended to replace "system" with "apparatus" to overcome the rejection. Further, claim 9 has been amended to recite "a computer readable medium..." Therefore, withdrawal of the 101 rejection of claims 1-9 is respectfully requested.

**II. REJECTION OF CLAIMS 8-9 UNDER 35 U.S.C. § 112, SECOND PARAGRAPH:**

As mentioned above, claims 8 and 9 have been amended to overcome the rejection. Therefore, withdrawal of the rejection is respectfully requested.

**III. REJECTION OF CLAIMS 1-9 UNDER 35 U.S.C. § 103 AS BEING UNPATENTABLE OVER HOPMANN ET AL. (U.S. PATENT NO. 6,499,031; HEREINAFTER "HOPMANN") IN VIEW OF SIMMONS ET AL. (U.S. PATENT NO. 6,574,654; HEREINAFTER "SIMMONS"):**

Amended claim 1 recites "a data processing apparatus which allocates groups of resources to requesting clients, comprising grouping means for defining groups of resources...group management means for managing the groups defined by said grouping means". Amended claim 1 further recites "permission means for permitting the requesting client to make access to the requested group of resources when said determination means finds that neither any other client currently using the detected member resource nor requesting client intends to modify the detected member resource".

At page 4 of the Office Action, the Examiner points out that a group as mentioned in the claims could refer to a single element group (as discussed at page 5 of the specification. In the same light, the "group" also refers to a plurality of resources and is not limited to that of a single element group.

Hopmann fails to recite "a data processing apparatus which allocates groups of resources to requesting clients, comprising grouping means for defining groups of resources...group management means for managing the groups defined by said grouping means," as recited in amended claim 1.

Instead, column 8, lines 22-26 of Hopmann discloses lock tokens granted and stored in a lock token index which includes all of the lock tokens which have been granted to various remote clients. That is, Hopmann fails to disclose a grouping means defining a group of resources and a group managing means for managing the groups defined by said grouping means”.

Further, Hopmann discloses the remote client who desires to access and lock a resource sending a lock request to a server, the lock request including the type of lock desired by the remote client and the timeout period of the lock (see column 7, lines 52-67). That is, the remote client who desires to use the resource makes the determination of the lock to be granted for the resource (i.e., whether a multi-reader single writer lock or an exclusive lock).

The present invention discloses a data processing apparatus which allocates groups of resources to requesting clients. Therefore, the requesting client of the present invention is not determining permission rights regarding the groups of resources.

At page 6 of Office Action, the Examiner admits that Hopmann does not disclose the current client requesting access also does not intend to modify the resource before providing access to the requesting client. However, the Examiner asserts that Simmons discloses this feature at column 1, lines 54-56.

Although, Simmons discloses “ownership of a protected read lock grants a process permission to read a table and guarantees that no other process is concurrently writing to the table, Simmons fails to make up for the deficiencies of Hopmann mentioned above.

Further, Simmons discloses six lock modes (see FIG. 1a and column 1, lines 47-65). However, none of these lock modes suggest “permitting the requesting client to make access to the requested group of resources when said determination means finds that neither any other client currently using the detected member resource nor the requesting client intends to modify the detected member resource,” as recited in amended claim 1.

Although the above comments are specifically directed to claim 1, it is respectfully submitted that the comments would be helpful in understanding differences of various other rejected claims over the cited reference. Therefore, it is respectfully submitted that the rejection is overcome.

#### **IV. CONCLUSION:**

In view of the foregoing amendments and remarks, it is respectfully submitted that each of the claims patentably distinguishes over the prior art, and therefore, defines allowable subject

Serial No. 09/722,524


matter. A prompt and favorable reconsideration of the rejection along with an indication of allowability of all pending claims are therefore respectfully requested.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

Date: May 9, 2005

By:   
Deidre M. Davis  
Registration No. 52,797

1201 New York Avenue, NW, Suite 700  
Washington, D.C. 20005  
Telephone: (202) 434-1500  
Facsimile: (202) 434-1501